

SIKKIM

GOVERNMENT



GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 1/LD/P/Ord/13

Dated:- 7.9.2013

NOTIFICATION

The following ordinance promulgated by the Governor of Sikkim on 4th day of September, 2013 is hereby published for general information:-

**THE SHRI RAMASAMY MEMORIAL (SRM) STATE
UNIVERSITY ORDINANCE, 2013
(ORDINANCE NO. 1 OF 2013)**

**(Promulgated by the Governor in the Sixty-fourth Year of the Republic of India)
AN
ORDINANCE**

to establish and incorporate a Private University in the State of Sikkim with emphasis on providing high quality and industry relevant education through open and flexible professional education that is relevant and matches contemporary needs, sponsored by SRM TRUST, No. 3 VEERASAMY STREET, WEST MAMBALAM, CHENNAI - 600033, TAMIL NADU and to provide for matters connected therewith or incidental thereto.

Whereas the State Legislature is not in session and the Governor of Sikkim is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance: -

CHAPTER I PRELIMINARY

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| Short title,
extent and
commencement | 1. | (1) This Ordinance may be called the Shri Ramasamy Memorial (SRM) State University Ordinance 2013". |
| | (2) | It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint. |
| Definition | 2: | In this Ordinance, and in all statutes made hereunder, unless the context otherwise requires,- |
| | (i) | "Academic council" means the academic council of the University; |

- (ii) "Academic year" means the Academic year which the Board of Management may determine;
- (iii) "Annual Report" means the annual report of the University referred to in section 45 of the Ordinance;
- (iv) "Board of Governors" means the board of Governors of the University constituted under section 21 of the Ordinance;
- (v) "Board of Management" means the board of management of the University constituted under section 22 of the Ordinance;
- (vi) "Chancellor", "Vice-Chancellor" mean the Chancellor and Vice-Chancellor of the University;
- (vii) "Constituent College" means a college or an institution maintained by the University;
- (viii) "Development fund" means the development fund of the University established under section 43 of the Ordinance;
- (ix) "Education and Training Institution, Registered Training Organization" means an organization recognized by the University.
- (x) "Employee" means an employee appointed by the University and includes teachers and other staff of the University or of a constituent college;
- (xi) "Endowment fund" means the endowment fund of the University established under section 41 of the Ordinance;
- (xii) "Faculty" means teaching faculty of the University;
- (xiii) "Finance Committee" means the Finance Committee of the University;
- (xiv) "Government" means the State Government of Sikkim;
- (xv) "General fund" means the general fund of the University established under section 42 of the Ordinance;
- (xvi) "Learning Centres" means centres established or maintained or recognized by the University.
- (xvii) "Open, Flexible and Distance Learning System" means the system of imparting education and training through any means of mentoring, learning engagement, communication.
- (xviii) "prescribed" means prescribed by the statutes or rules made under this Ordinance;
- (xix) "Regional centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of study centres and for performing such other functions as may be conferred on such centre by the board of management;
- (xx) "Registrar" means the Registrar of the University appointed under section 17 of the Ordinance;
- (xxi) "rules" means the rules of the university made under this Ordinance;
- (xxii) "School" means a School of Studies of the University;
- (xxiii) "Sponsor" means the SRM Trust represented by Chairman/President;

- (xxiv) "State" means the state of Sikkim;
- (xxv) "Statutes" and "rules" mean, respectively, the statutes and rules of the University;
- (xxvi) "student" means a student of the University, and includes any person who has enrolled himself for pursuing any course of study of the University;
- (xxvii) "Study centre" means a centre established, maintained or recognized by the University for the purpose of advising, counseling or for rendering any other assistance including training, conducting contact classes and administering examinations required by the students;
- (xxviii) "UGC" means the University Grants Commission established under the University Grants Commission Act, 1956;
- (xxix) "University" means the "SRM State University"

CHAPTER II THE UNIVERSITY

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| <i>The University</i> | <p>3. (1) There shall be a University by the name "SRM STATE UNIVERSITY".</p> <p>(2) The University shall be a body corporate, shall have perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire and to hold property, to contract and shall sue and be sued by the said name.</p> <p>(3) The Headquarters of the University shall be at Sikkim.</p> <p>(4) The University may establish or maintain education and training institutions, colleges, learning centres either by itself or in collaboration with the industries at Sikkim and in other states of Indian Union and outside country as laid down in section 7 and 8 of the Ordinance.</p> |
| <i>Constituent Colleges, and Institutions</i> | <p>4. (1) The University may have constituent Colleges, Regional Centres, Study Centres, Registered Training Organizations, Learning Centres and Skill Development Facilities and Institutions anywhere in India or abroad with required approvals as may be necessary from relevant prescribed authorities as mentioned in sub section (4) of section 3.</p> <p>(2) The University may, with the prior approval of the Board of Governors, accredit any Registered Training Organizations or facilities in India or abroad after the compliance of the provisions prescribed as mentioned in sub-section (4) of section 3.</p> |
| <i>University shall be Self-financing</i> | <p>5. The University shall be self-financing. The State Government shall have no objection to the University obtaining grants, soft loans from various funding organizations, institutions and agencies including International and bilateral agencies, for expansion, modernization of the facilities and augmenting the quality of education, training and research that is carried out at the University and in its accredited training institutions/facilities provided that there shall be no financial obligation on the part of State Government.</p> |

Objects of the University

6. The objects for which the University is established shall be as follows :-
- (a) providing an open, flexible and continuous learning framework that offers innovative ways for learning and acquiring qualifications through professional and practical programs;
 - (b) engaging with industry partners and educational institutions, for establishing educational and training institutions and learning centers with the aim of providing workplace training and familiarization with industry practices;
 - (c) collaborating with industries and other institutions for providing learning opportunities aligned with the needs of the industrial and other development sectors;
 - (d) establishing an open and flexible professional education that is relevant and matches contemporary needs;
 - (e) striving to fulfill the above objects by a diversity of means of distance and continuing education, and make full use of the latest scientific knowledge and educational technology to offer a high quality education which matches contemporary needs.

Powers of the University

7. The University shall have the following powers, namely:-
- (i) to provide for instruction in such branches of knowledge, technology, vocation and profession as the University may determine from time to time and to make provision for research;
 - (ii) to plan and prescribe courses of study for qualifications such as degrees, advanced diplomas, diplomas, certificates or such others for any other purpose;
 - (iii) to hold examinations, assessments and confer degrees, diplomas, certificates or other academic distinctions or recognitions on persons in terms of awards or fellowships or conducted research as prescribed by rules;
 - (iv) to confer honorary degrees or other distinctions in the manner prescribed by rules;
 - (v) to determine the manner in which education, training, knowledge inputs, skill building, competency development and distance education in relation to the academic programs of the University may be organized subject to that these shall be in consonance with the norms prescribed by University Grants Commission;
 - (vi) to institute Professorships, Associate Professorships, Assistant Professorships and other academic positions wherever necessary;
 - (vii) to co-operate with and seek the co-operation of other Universities and institutions of higher learning, professional bodies and organizations for such purposes as the University considers necessary;
 - (viii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;
 - (ix) to establish, maintain or recognize Learning Centres in the manner prescribed by Statutes;

- (x) to provide for the preparation of instruction materials, learning resources, workplace training practices, knowledge repositories, e-learning platforms, digital learning experiences, including films, digital media, video / streaming content, multimedia content, visualization, simulations and other software;
- (xi) to organize and conduct refresher course, workshops, seminars and other programs for faculty and trainers, learning resource content providers, experts preparing learning resources, lesson writers, evaluators and other academic staff;
- (xii) to recognize examinations of, or periods of study (whether in full or part), at other Universities, Institutions or other places of higher learning as equivalent to examinations or periods of study in the University, and to withdraw such recognition at any time;
- (xiii) to make provision for research and development in educational technology and related matters and to undertake collaborative research with any organization in India or abroad;
- (xiv) to provide consultancy to industry, Government and Public undertakings;
- (xv) to ensure that the standard of the degrees, diplomas, charters, certificates and other academic distinctions are commensurate with those prescribed and laid down by the University Grants Commission (UGC);
- (xvi) to supervise and control the residence, and to regulate the discipline among students and all categories of employees and to lay down the conditions of service of such employees, including their Code of Conduct;
- (xvii) to pursue any other objective as may be approved by the State Government;
- (xviii) to create professional, technical, administrative, ministerial and other necessary posts and to make appointments thereto;
- (xix) to demand and receive such fees, bills, invoices and collect charges as may be fixed by the Statutes or rules, as the case may be;
- (xx) to receive benefactions, donations and gifts and to acquire, hold, maintain and dispose of any property movable or immovable, including that of the trust, for the purposes of the University;
- (xxi) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University;
- (xxii) to enter into, carryout, vary or cancel contracts;
- (xxiii) to recognize any institution of higher learning or studies for such purposes as the University may determine and to withdraw such recognition;
- (xxiv) to appoint, either on contract, or otherwise, Visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Artists, Course Writers and such other persons who may contribute to the advancement of the objects of the University;

- (xxv) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluation and any other method of testing;
- (xxvi) to confer autonomous status on a training organization, college, educational institution, or a Regional Centre in the manner laid down by the Statutes;
- (xxvii) to make arrangements for the promotion of the general health and welfare of the employees;

**Establishment of 8.
off-campus
centres, off-shore
campuses and
maintenance of
minimum standard**

- (1) The University shall set up off-campus centre(s) and / or with the prior approval of the UGC and that of the State Government(s) where the centre(s) is/are proposed to be opened;
- (2) Any off-shore campus(es) in foreign countries shall be opened only after obtaining due permission from the Government of India and also that of the Government of the host country;
- (3) The University shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability, etc., as laid down from time to time by the UGC and other concerned statutory bodies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc.

**Admission to
University**

- 9. (1) The University shall, subject to the provision of this Ordinance and the Statutes be open to all persons irrespective of class, caste, creed, religion, language or gender: Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission for students of the State; Provided further, that special efforts shall be taken to encourage the oppressed classes and disadvantaged groups.
- (2) Nothing contained in sub-section (1) shall require the University; -
 - (a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;
 - (b) to retain on the rolls of the University any student whose academic record is below the minimum standard required for the award of a degree, diploma or other academic distinction; or
 - (c) to admit any person or retain any student whose conduct is prejudicial to the interests of the University or the rights and privileges of other students and teachers.

CHAPTER III
OFFICERS OF THE UNIVERSITY

- The Visitor*** **10.** (1) The Governor of Sikkim shall be the Visitor of the University.
- (2) The Visitor shall preside at the convocation of the University for conferring Degrees, Diplomas, Charters, Designations and Certificates.
- (3) The Visitor shall have the following powers, namely :-
- (a) to call for any paper or information relating to the affairs of the University;
- (b) On the basis of the information received by the Visitor, if he is satisfied that any order, proceeding, or decision taken by any authority of the University is not in conformity with the Ordinance, Regulations, or Rules, he may issue such directions as he may deem fit in the interest of the University and the directions so issued shall be complied with by all concerned.
- Officers of the University*** **11.** The following shall be the Officers of the University, namely:--
- (a) The Chancellor;
- (b) The Pro-Chancellors;
- (c) The Vice Chancellor;
- (d) The Pro-Vice Chancellors;
- (e) Deans of faculties;
- (f) The Registrar;
- (g) The Finance Officer; and
- (h) Controller of Examination;
- (i) Such other officers as may be declared by the Statutes to be officers of the University.
- Chancellor*** **12.** (1) The Visitor shall appoint the Chancellor of the University from the panel of names forwarded by the sponsor of the University in consultation with the State Government.
- (2) The Chancellor so appointed shall hold office for a period of (5) five years.
- (3) The Chancellor shall be the head of the University.
- (4) The Chancellor, in the absence of the Visitor, shall preside at the convocation of the University for conferring degrees, diplomas, Charters, Designations or Certificates.
- (5) The Visitor shall have the power to remove the Chancellor on the recommendations of the sponsor of the University, after due enquiry.
- (6) The Chancellor shall have the following powers, namely:-
- (a) to call for any information or record;

- (b) to appoint and to remove the Vice-Chancellor; The Chancellor is empowered to remove the Vice-Chancellor after due enquiry. It will be open to the Chancellor to suspend the Vice-Chancellor during enquiry depending upon the seriousness of the charges, as he may deem fit;
- (c) such other powers as may be conferred on him by this Ordinance or the Statutes made there under.

- Pro-Chancellor** **13.** (1) The Sponsor shall appoint two Pro-Chancellors of the University namely Pro-Chancellor (Administration) and Pro-Chancellor (Academic)
- (2) The Pro-Chancellor so appointed shall hold office for a period of 5 (five) years.
 - (3) The Pro-Chancellor shall preside at the meeting of the Board of Governors when the Chancellor is not present and shall, when the Visitor or Chancellor is not present, preside at the convocation of the University for conferring degrees, diplomas, Charters, Designations or Certificate.
 - (4) The Pro-Chancellor (Administration) shall have the following powers, namely; -
 - (a) to call for any information related to the entire administration of the University;
 - (b) such other powers as may be conferred on him by this Ordinance or the Statutes made there under.
 - (5) The Pro-Chancellor (Academic) shall have the following powers, namely: -
 - (a) to call for any information related to the entire Academic including research proceedings of the University;
 - (b) such other powers as be conferred on him by this Ordinance or the Statutes made there under.
 - (6) The Sponsor is empowered to remove the Pro-Chancellor.

- The Vice-Chancellor** **14.** (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Board of Governors on such terms and conditions as may be prescribed and shall hold office for a term of 5 (five) years. Provided that, after expiry of the term of 5 (five) years, the Vice-Chancellor shall be eligible for re-appointment for another term not exceeding five years. The Vice-Chancellor shall be stationed in Headquarters.
- (2) The Vice-Chancellor shall be the Principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of the authorities of the University.
 - (3) If in the opinion of the Vice-Chancellor it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Ordinance, he may take such action as he deems necessary and shall, at the earliest opportunity, thereafter report

his action to such officers or authority as would have in the ordinary course dealt with the matter: Provided that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within three months from the date on which such action is communicated to him, an appeal to the Board of Governors and the Board of Governors may confirm or modify or reverse the action taken by the Vice-Chancellor.

- (4) If in the opinion of the Vice-Chancellor any decision of any authority of the University is outside the powers conferred by this Ordinance, Statutes or is likely to be prejudicial to the interest of the University, he shall request the concerned authority to revise its decision within seven days from the date of his decision and In case the authority refuses to revise such decision wholly or partly or fails to take any decision within seven days, then such matter shall be referred to the Chancellor and his decision thereon shall be final.
- (5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be laid down by the Statutes.
- (6) The Vice-Chancellor shall preside at the convocation of the University in the absence of the Visitor, the Chancellor and the Pro Chancellors for conferring degrees, diplomas, Charters, Designations or Certificates.

***The Pro-Vice
Chancellor***

15. (1) The two Pro-Vice Chancellors of the University viz. Pro-Vice Chancellor (Administration) and Pro-Vice Chancellor (Academic) shall be appointed by the Vice Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by the statutes.
- (2) The Pro-Vice chancellor so appointed shall hold office for a period of 5 (five) years.
- (3) The Pro-Vice Chancellor (Administration) shall be a member of the Board of Governors.
- (4) The Pro-Vice Chancellor (Academic) shall be a member of the Board of Management.

***Deans of
faculties***

16. Deans of faculties shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties as may be prescribed by Statutes.

The Registrar

17. (1) The appointment of the Registrar shall be made in such manner as may be prescribed by the Statutes.
- (2) All contracts shall be signed and all documents and records shall be authenticated by the Registrar on behalf of the University.
- (3) The Registrar shall be responsible for due custody of the records and the common seal of the University and shall be bound to place before the Chancellor, the Vice-Chancellor or any other authority, all such information and documents as may be necessary for transaction of their business.

- (4) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Finance Officer 18. The appointment of the Finance Officer shall be made in such manner as may be prescribed by the Statutes. The Finance Officer shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other Officers 19. The manner of appointment, terms and conditions of service and powers and duties of the other officers of the University shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF THE UNIVERSITY

Authorities of the University 20. The following shall be the Authorities of the University, namely :-
(a) The Board of Governors;
(b) The Board of Management;
(c) The Academic Council;
(d) The Finance Committee; and
(e) Such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of Governors and its Powers 21. (1) The Board of Governors shall consist of the following, Namely :-
(a) The Chancellor.
(b) The Pro-Chancellor (Administration).
(c) The Pro-Chancellor (Academic).
(d) The Vice-Chancellor.
(e) The Pro-Vice Chancellor (Administration).
(f) A nominee of the UGC.
(g) Three persons nominated by the Sponsor.
(h) Two representatives of the State Government.
(i) One person of repute to be nominated by the Visitor.
(j) Two persons to be nominated by the Chancellor.
(2) The Chancellor shall be the Chairman of the Board of Governors.
(3) The Registrar shall be an ex-officio Secretary of the Board of Governors.
(4) The Board of Governors shall be the supreme authority and principal governing body of the University and shall have the following powers, namely :-
(a) to appoint the Statutory Auditors of the University;
(b) to lay down policies to be pursued by the University;

- (c) to review decisions of the other authorities of the University if they are not in conformity with the provisions of this Ordinance, or the Statutes or the rules;
- (d) to approve the budget and annual report of the University;
- (e) to make new or additional Statutes and rules or amend or repeal the earlier Statutes and rules;
- (f) to take decision about voluntary winding up of the University;
- (g) to approve proposals for submission to the State Government; and
- (h) to take such decisions and steps as are found desirable for effectively carrying out the objects of the University;

- (5) The Board of Governors shall, meet at least twice in a calendar year at such time and place as the Chancellor thinks fit.

The Board of Management

- 22.** (1) The Board of Management shall consist of the following, namely :-
- (a) The Vice-Chancellor.
 - (b) The Pro-Vice Chancellor (Academic)
 - (c) The Registrar.
 - (d) Four persons, nominated by the Sponsor.
 - (e) Two Deans of the faculties as nominated by the Chancellor.
 - (f) Two representatives to be nominated by the State Government.
- (2) The Vice-Chancellor shall be the Chairperson of the Board of Management and the Registrar shall be the Secretary of the Board of Management.
- (3) The powers and functions of the Board of Management shall be such as may be prescribed by the Statutes.

The Academic Council

- 23.** (1) The Academic Council shall consist of the following, namely :-
- (a) The Vice-Chancellor – Chairman.
 - (b) The Pro-Vice Chancellor (Academic).
 - (c) The Registrar – Secretary.
 - (d) Such other members as may be prescribed in the Statutes.
 - (e) One representative to be nominated by the state Government.
- (2) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Ordinance, the Statutes and the rules, co-ordinate and exercise general supervision over the academic policies of the University.

- The Finance Committee** **24.** (1) The Finance Committee shall consist of the following, namely :-
- (a) The Vice-Chancellor - Chairman.
 - (b) The Pro-Vice Chancellor (Administration).
 - (c) The Registrar – Secretary.
 - (d) The Finance Officer - Member.
 - (e) Such other members as may be prescribed in the Statutes.
 - (f) Principal Director, Finance Revenue & Expenditure Department Government of Sikkim,
- (2) The Finance Committee shall be the principal financial body of the University to take care of financial matters and shall, subject to the provisions of this Ordinance, Statutes and rules, co-ordinate and exercise general supervision over the financial matters of the University.
- Other Authorities** **25.** The constitution, powers and functions of the other authorities of the University shall be such as may be prescribed by the Statutes.
- Proceedings not Invalidated on account of Vacancy** **26.** No act or proceeding of any authority of the University shall be invalid merely by reason of the existence of any vacancy or defect in the constitution of the authority.

CHAPTER V STATUTES AND RULES

- Statutes** **27.** Subject to the provisions of this Ordinance and rules, the Statutes may provide for any matter relating to the University and staff, as given below :-
- (a) the constitution, powers and functions of the authorities and other bodies of the University as specified in the Ordinance and such other authorities as may be constituted from time to time;
 - (b) the terms and conditions of appointment of the Vice-Chancellor, the Registrar and the Finance Officer and their powers and functions;
 - (c) the mode of recruitment and the conditions of service of the other officers, teachers and employees of the University;
 - (d) the procedure for resolving disputes between the University and its officers, faculty members, employees and students;
 - (e) creation, abolition or restructuring of departments and faculties;
 - (f) the manner of co-operation with other Universities or institutions of higher learning;
 - (g) the Registration of Training Organizations, Learning Centres or Accreditation of Institutions or Industries providing Education, Training, Learning Support or facilitation for Skill Development;
 - (h) the modalities for determination or revision of the framework of qualifications, prescriptions for learning pathways, curriculum, training,

skill development, recognition of prior learning, credit transfer, learning support and such other academic matters;

- (i) number of seats in different courses of studies and the procedure of admission of students to such courses;
- (j) the fee chargeable from students for various courses of studies: provided that the University shall not make any Statute relating to the charging of capitation fee from the students;
- (k) procedure for creation and abolition of posts;
- (l) all other matters which by this Ordinance are required to be provided.

**Statutes -
how made**

- 28.** The first Statutes framed by the Board of Governors, shall be submitted to the State Government for its consent.

**Amendment
of Statutes**

- 29.** The Board of Governors may make new or additional Statutes or amend or repeal the Statutes as required with the consent of the State Government.

Rules

- 30.** Subject to the provisions of this Ordinance, the rules may provide for all or any of the following matters, namely :-
- (a) admission of students to the University and their enrolment and continuance as such;
 - (b) the courses of study to be laid down for all Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
 - (c) the award of Degrees, Diplomas, Charters, Certificates and other academic distinctions of the University; the procedure for conferment of honorary degrees;
 - (d) creation of new authorities of the University;
 - (e) accounting Policy and financial procedure;
 - (f) Institution of and conditions for the award of fellowships, freeships, scholarships, studentships, medals and prizes;
 - (g) the conduct of examinations and the conditions and mode of appointment and duties of examining bodies, examiners, invigilators, tabulators and moderators;
 - (h) the fee to be charged for admission to the Examinations, Degrees, Diplomas, Certificates, Charters and other academic distinctions of the University;
 - (i) revision of fees;
 - (j) alteration of number of seats in different courses and programs;
 - (k) the conditions of residence of the students at the University or a constituent college;
 - (l) maintenance of discipline among the students of the University or a constituent college;
 - (m) all other matters as may be provided in the Statutes and rules made under the Ordinance.

**Rules –
how to be made** 31. The first Rules made by the Board of Governors, shall be submitted to the State Government for its consent.

**Power to
make/amend Rules** 32. The Board of Governors may make new or additional rules or amend or repeal the rules as required, with the consent of the State government.

CHAPTER VI MISCELLANEOUS

**Conditions of
service of
employees.** 33. (1) Every employee shall be appointed under a written contract, which shall be kept in the University and a copy of which shall be furnished to the employee concerned.
 (2) Disciplinary action against the students/employees shall be governed by procedure prescribed in the Statutes.

Right to Appeal 34. Every employee or student of the University or of a constituent college shall notwithstanding anything contained in this Ordinance, have a right to appeal within such time as may be prescribed, to the Board of Management against the decision of any officer or authority of the University or of the Principal of any such college, and thereupon the Board of Management may confirm, modify or change the decision appealed against.

**Provident Fund
and Pension** 35. The University shall constitute for the benefit of its employees such provident or pension fund and provide such insurance scheme as it may deem fit in such manner and subject to such conditions as may be prescribed by rules.

**Disputes as to
constitution of
University
Authorities and
Bodies** 36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

**Constitution of
Committees** 37. Any authority of the University mentioned in Section 20 may constitute a committee of such authority, consisting of such members as such authority may deem fit and having such powers as the authority may deem fit.

**Filling of
Casual Vacancies** 38. Any casual vacancy among the members, other than ex-officio members of any Authority or body of the University shall be filled in the same manner in which the member whose vacancy is to be filled up, was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he/she fills would have been a member.

**Protection of
action taken in good
faith** 39. No suit or other legal proceedings shall lie against any officer or other employee of the University or anything, which is done in good faith or intended to be done in pursuance of the provisions of this Ordinance, the Statutes or the rules.

Transitional provisions

40. Notwithstanding anything contained in any other provisions of this Ordinance and the Statutes :-

- (a) the first Vice-Chancellor shall be appointed by the Chancellor and the said Officer shall hold office for a term of 5 (five) years;
- (b) The first Registrar and the first Finance Officer shall be appointed by the Chancellor who shall hold office for a term of 5 (five) years;
- (c) The first Board of Governors shall hold office for a term not exceeding 5 (five) years;
- (d) The first Board of Management, the first Finance Committee and the first Academic Council shall be constituted by the Chancellor for a term of 5 (five) years.

Endowment Fund :

41. (1) The University shall establish an endowment fund of at least ₹ 2,00,00,000/- (Rupees two crores).

(2) The University shall have power to invest the endowment fund in such manner as may be prescribed by rules.

(3) The University may transfer any amount from the general fund or the development fund to the endowment fund. Excepting in the dissolution of the University, in no other circumstances can any monies be transferred from the endowment fund for other purposes.

(4) Not exceeding 75 percent of the incomes received from the endowment fund shall be used for the purposes of development works of the University. The remaining 25 percent shall be reinvested into the endowment fund.

General fund

42. (1) The University shall establish a general fund to which the following amount shall be credited, namely :-

- (a) all fees which may be charged by the University;
- (b) all sums received from any other source;
- (c) all contributions made by the Sponsor;
- (d) all contributions/donations made in this behalf by any other person or body, which are not prohibited by any law for the time being in force.

(2) The funds credited to the general fund shall be applied to meet the following payments, namely :-

- (a) the repayment of debts including interest charges thereto incurred by the University for the purposes of this Ordinance, the Statutes and the rules made there under;
- (b) the upkeep of the assets of the University;
- (c) the payment of the cost of audit of the fund created under sub-section (1);
- (d) meeting the expenses of any suit or proceedings to which University is a party;

- (e) the payment of salaries and allowances of the officers and employees of the University, members of the teaching and research staff, and payment of any Provident Fund contributions, gratuity and other benefits to any such officers and employees, members of the teaching and research staff;
- (f) the payment of travelling and other allowances of the members of the Board of Governors, the Board of Management, Academic Council, and other authorities so declared under the Statutes of the University and of the members of any Committee or Board appointed by any of the authorities of the University in pursuance of any provision of this Ordinance or the Statutes or the rules made thereunder;
- (g) the payment of fellowships, freeships, scholarships, assistantships and other awards to students, research associates or trainees eligible for such awards under the Statutes or rules of the University under the provisions of this Ordinance;
- (h) the payment of any expenses incurred by the University in carrying out the provisions of this Ordinance, and the Statutes or the rules made thereunder;
- (i) the payment of cost of capital, not exceeding the prevailing bank rate of interest, incurred by the Sponsor for setting up the University and the investments made thereof;
- (j) the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of the provisions of this Ordinance, and the Statutes, and the rules made thereunder;

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non recurring expenditure for the year as may be fixed by the Board of Management without the previous approval of the Board of Management: Provided further that the General fund shall be applied for the objects specified under sub-section (2) with the prior approval of the Board of Management of the University.

**Development
Fund :**

- 43.** (1) The University shall also establish a development fund to which the following funds shall be credited, namely: -
- (a) development fees which may be charged from students;
 - (b) all sums received from any other source for the purposes of the development of the University;
 - (c) all contributions made by the Sponsor;
 - (d) all contributions/donations made in this behalf by any other person or body which are not prohibited by any law for the time being in force; and
 - (e) all incomes received from the endowment fund.
- (2) The funds credited to the development fund from time to time shall be utilized for the development of the University.

- Maintenance of fund :** 44. (1) The funds established under sections 41, 42 and 43 shall, subject to general supervision and control of the Board of Governors, be regulated and maintained in such manner as may be prescribed.
- Annual Report** 45. (1) The annual report of the University shall be prepared under the direction of the Board of Management and shall be submitted to the Board of Governors for its approval.
- (2) The Board of Governors shall consider the annual report in its meeting and may approve the same with or without modification;
- (3) A copy of the annual report duly approved by the Board of Governors shall, be sent to Visitor and the State Government on or before December 31 following close of the financial year in March 31 each year.
- Accounts and Audit** 46. (1) The annual accounts and Balance Sheet of the University shall be prepared under the direction of the Board of Management and all funds accruing to or received by the University from whatever source and all amount disbursed or paid shall be entered in the accounts maintained by the University.
- (2) The annual accounts of the University shall be audited by a chartered accountant, who is a member of the Institute of Chartered Accountants of India, every year.
- (3) A copy of the annual accounts and the Balance Sheet together with the Audit report shall be submitted to the State Government and the Board of Governors on or before December 31 following close of the financial year in March 31 each year.
- Mode of Proof of University Record** 47. A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the university or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transaction therein recorded where the original thereof would if produced, have been admissible in evidence.
- Dissolution of the University** 48. (1) If the Sponsor proposes dissolution of the University in accordance with the law governing its constitution or incorporation, it shall give at least 12 (twelve) months notice in writing to the State Government and it shall ensure that no new admissions to the University are accepted during the notice period. All financial obligations, whatsoever may be, for dissolution of the University shall lie with the University.
- (2) On identification of mismanagement, mal-administration or in-discipline which lead to gross failure in the accomplishment of the substantive objects of University or economic non-viability, the State Government would issue directions to the management of University to rectify the situation. If such directions are not followed within such time as may be prescribed, the right to take appropriate decision for such rectification

including the decision to wind up of the University after giving due opportunity to the University for being heard, would vest in the State Government.

- (3) The manner of winding up of the University would be such as may be prescribed in this behalf by the State Government; Provided that no such action will be initiated without affording a reasonable opportunity to show cause to the Sponsor.
- (4) On receipt of the notice referred to in sub-section (1), the State Government shall, in consultation with the UGC make such arrangements for administration of the University from the proposed date of dissolution of the University by the Sponsor and until the last batch of students in regular courses of studies of the University complete their courses of studies in such manner as may be prescribed by the Statutes.
- (5) Under no circumstances the State Government will be liable to bear any financial burden of any kind during the period of dissolution.

***Expenditure
of the
University
during dissolution***

- 49.** (1) The expenditure for administration of the University during the taking over period of its management under section 48 shall be met out of the endowment fund, the general fund or the development fund.
- (2) If the funds referred to sub-section (1) are not sufficient to meet the expenditure of the University during the taking over period of its management, such expenditure may be met by disposing of the properties or assets of the University by the State Government.

***Removal of
difficulties***

- 50.** (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by a notification or order, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient, for removing the difficulty :
Provided that no notification, order under sub-section (1) shall be made after the expiry of a period of 3 (three) years from the commencement of this Ordinance.
- (2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

**SHRINIWAS PATIL
GOVERNOR OF SIKKIM**

**R.K. PURKAYASTHA,
ADVISOR-CUM- PRINCIPAL SECRETARY,
LAW DEPARTMENT.**

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